



## Notice of Service of Process

null / ALL  
Transmittal Number: 26351829  
Date Processed: 02/08/2023

**Primary Contact:** Tiffany Goins  
Team Health, Inc.  
265 Brookview Centre Way  
Ste 400  
Knoxville, TN 37919-4052

**Electronic copy provided to:** Linda Thacker Esq.  
Kelly Greaney  
Amanda Nolan

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**Entity:** InphyNet Contracting Services, LLC  
Entity ID Number 1718711

**Entity Served:** Inphynet Contracting Services, LLC

**Title of Action:** Atlanta Heart Associates, P.C. vs. Inphynet Contracting Services, LLC

**Matter Name/ID:** Atlanta Heart Associates, P.C. vs. Inphynet Contracting Services, LLC  
(13605068)

**Document(s) Type:** Summons/Complaint

**Nature of Action:** Contract

**Court/Agency:** Gwinnett County Superior Court, GA

**Case/Reference No:** 23-A-00860-2

**Jurisdiction Served:** Georgia

**Date Served on CSC:** 02/07/2023

**Answer or Appearance Due:** 30 Days

**Originally Served On:** CSC

**How Served:** Personal Service

**Sender Information:** Mark Brittain, P.C.  
770-389-3356

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Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

**To avoid potential delay, please do not send your response to CSC**

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | [sop@cscglobal.com](mailto:sop@cscglobal.com)

**Exhibit B**

SHERIFF'S ENTRY OF SERVICE

SC-85-2

CLYDE CASTLEBERRY CO., COVINGTON, GA 30015

Civil Action No. 23-A-6051C-2Superior Court  
State Court  
Juvenile CourtMagistrate Court  
Probate CourtDate Filed 1/1/23

Georgia

Columbia

COUNTY

Atlanta Heart Associates, PC

Attorney's Address

Mark B. Hall

Plaintiff

Mark B. Hall, PC

VS.

245 Country Club Dr., Suite 200HStockbridge, GA 31291Inphymet Contracting Services, LLC

Name and Address of Party to be Served

Inphymet Contracting Services, LLC

Defendant

Corporation Service Company, Reg. Agent2 Summit, Suite 410Perimeter Center, GA 30072

SHERIFF'S ENTRY OF SERVICE

RECEIVED  
FEB 6 PM 2:20  
CLERK'S OFFICE

I have this day served the defendant

☐ of the within action and summons,

personally with a copy

I have this day served the defendant

by leaving a

copy of the action and summons at his most notorious place of abode in this County.

☐ Delivered same into hands of

described as follows:

age, about \_\_\_\_\_ years; weight \_\_\_\_\_ pounds; height, about \_\_\_\_\_ feet and \_\_\_\_\_ inches; domiciled at the residence of defendant.

Served the defendant

Inphymet Contracting Services, LLC

a corporation

☒ by leaving a copy of the within action and summons withAisha Smith

in charge of the office and place of doing business of said Corporation in this County.

☐ I have this day served the above styled affidavit and summons on the defendant(s) by posting a copy of the same to the door of the premises designated in said affidavit, and on the same day of such posting by depositing a true copy of same in the United States Mail, First Class in an envelope properly addressed to the defendant(s) at the address shown in said summons, with adequate postage affixed thereon containing notice to the defendant(s) to answer said summons at the place stated in the summons.

Diligent search made and defendant

☐ not to be found in the jurisdiction of this Court.This 7 day ofFebruary, 23J. Williams Suiss

DEPUTY

SHERIFF DOCKET

PAGE

**General Civil and Domestic Relations Case Filing Information Form**☒ Superior or ☐ State Court of Gwinnett Superior Court County

For Clerk Use Only

23-A-00860-2

Date Filed \_\_\_\_\_

Case Number \_\_\_\_\_

MM-DD-YYYY

**Plaintiff(s)**

Atlanta Heart Associates, P.C.

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Plaintiff's Attorney J. MARK BRITTAIN**Defendant(s)**

Inphynet Contracting Services, LLC

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

State Bar Number 083260 Self-Represented ☐

Check one case type and one sub-type in the same box (if a sub-type applies):

**General Civil Cases**

- ☐ Automobile Tort  
☐ Civil Appeal  
☐ Contempt/Modification/Other Post-Judgment  
☐ Contract  
☐ Garnishment  
☒ General Tort  
☐ Habeas Corpus  
☐ Injunction/Mandamus/Other Writ  
☐ Landlord/Tenant  
☐ Medical Malpractice Tort  
☐ Product Liability Tort  
☐ Real Property  
☐ Restraining Petition  
☐ Other General Civil

**Domestic Relations Cases**

- ☐ Adoption  
☐ Contempt  
☐ Non-payment of child support, medical support, or alimony  
☐ Dissolution/Divorce/Separate Maintenance/Alimony  
☐ Family Violence Petition  
☐ Modification  
☐ Custody/Parenting Time/Visitation  
☐ Paternity/Legitimation  
☐ Support – IV-D  
☐ Support – Private (non-IV-D)  
☐ Other Domestic Relations

- ☐ Check if the action is related to another action pending or previously pending in this court involving some or all of the same: parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number \_\_\_\_\_

Case Number \_\_\_\_\_

- ☒ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in OCGA § 9-11-7.1.

- ☐ Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.

Language(s) Required \_\_\_\_\_

- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.

IN THE SUPERIOR COURT OF GWINNETT COUNTY

STATE OF GEORGIA

Atlanta Heart Associates, P.C.

23-A-00860-2

CIVIL ACTION  
NUMBER: \_\_\_\_\_

PLAINTIFF

VS.

Inphynet Contracting Services, LLC

DEFENDANT

SUMMONS

TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

J. Mark Brittain  
Mark Brittain, P.C.  
245 Country Club Drive, Suite 200H  
Stockbridge, GA 30281

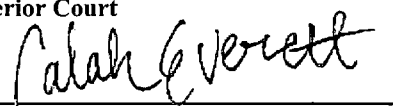
an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This 30th day of January, 2023.

31st day of January, 2023

Tiana P. Garner  
Clerk of Superior Court

By

  
Deputy Clerk

INSTRUCTIONS: Attach addendum sheet for additional parties if needed, make notation on this sheet if addendum sheet is used.

Defendant is a Florida limited liability company with a principal office at 1643 NW 136<sup>th</sup> Avenue, Building H, Suite 100, Sunrise, Florida 33323.

3.

Defendant may be served through its registered agent, Corporation Service Company, at 2 Sun Court, Suite 400, Peachtree Corners, Georgia 30092.

4.

Venue is proper in Gwinnett County under O.C.G.A. § 14-2-510, as Defendant maintains its registered office in said county.

5.

The Court has personal jurisdiction over Defendant pursuant to O.C.G.A. § 9-10-91, as it conducts business and committed a tortious act in the state.

6.

The Court has subject matter jurisdiction over cases seeking monetary relief.

#### **STATEMENT OF FACTS**

7.

Plaintiff is a professional corporation comprised of cardiologists.

8.

Plaintiff contracted with Piedmont Henry Hospital to read the hospital's electrocardiograms.

9.

The contract is exclusive to Plaintiff; no other cardiologists or physicians in Henry County provide such services for the hospital.

10.

Defendant provides emergency room staffing and billing for Piedmont Henry Hospital.

11.

The physicians provided by Defendant are not cardiologists or qualified to read electrocardiograms.

12.

Plaintiff's cardiologists are not employed by or otherwise affiliated with Defendant.

13.

Since 2019, Defendant has been billing the insurance providers of the patients who received electrocardiograms at Piedmont Henry Hospital, falsely claiming that Defendant's physicians read the electrocardiograms.

14.

Defendant's physicians did not read the electrocardiograms; Plaintiff's cardiologists did.

15.

Due to Defendant's actions, the patients' insurance providers have rejected Plaintiff's claims for payment, having already paid Defendant for the same services.

16.

Plaintiff has contacted Defendant repeatedly regarding the issue.

17.

While Defendant claimed it would stop billing the patients' insurance providers for the electrocardiograms, it refused to pay Plaintiff for all claims that the providers had rejected due to Defendant's fraudulent billing practices.

18.

As of the date of this Complaint, Plaintiff has had over \$50,000.00 in claims rejected due to Defendant's actions.

**COUNT ONE: TORTIOUS INTERFERENCE WITH CONTRACTUAL RELATIONS**

19.

Plaintiff realleges and incorporates by reference Paragraphs 1 through 18 of the Complaint as if they were fully restated verbatim herein.

20.

Plaintiff has a contract with Piedmont Henry Hospital whereby it agrees to read the hospital's electrocardiograms.

21.

Plaintiff also has contracts with its patients' insurance providers.

22.

As part of said contracts, the insurance providers agree to pay Plaintiff for services rendered to their insureds, including the reading of electrocardiograms.



23.

Defendant is a stranger to the contracts between Plaintiff and Piedmont Henry Hospital and between Plaintiff and its patients' insurance providers.

24.

Defendant has intentionally, without privilege or legal justification, billed the insurance providers for services Plaintiff rendered to Piedmont Henry Hospital and its patients over the last two years, falsely claiming that its physicians, rather than Plaintiff's cardiologists, provided said services.

25.

Defendant's actions have interfered with Plaintiff's contracts with Piedmont Henry Hospital and its patients' insurance providers, causing the latter to reject Plaintiff's claims for payment under their contracts since they had already paid Defendant for those services.

26.

Plaintiff has incurred financial injury as a result of Defendant's actions, having provided over \$50,000.00 in services to Piedmont Henry Hospital and its patients for which it has not been paid.

27.

Defendant having directly and proximately caused said injury, it is now liable to Plaintiff for same, in an amount to be determined at trial.

**COUNT TWO: TORTIOUS INTERFERENCE WITH BUSINESS RELATIONS**

28.

Plaintiff realleges and incorporates by reference Paragraphs 1 through 27 of the Complaint as if they were fully restated verbatim herein.

29.

Plaintiff has a business relationship with Piedmont Henry Hospital whereby it reads all of the hospital's electrocardiograms.

30.

Plaintiff also has a business relationship with its patients' insurance providers.

31.

Defendant is a stranger to the business relationships between Plaintiff and Piedmont Henry Hospital and between Plaintiff and its patients' insurance providers.

32.

Defendant has intentionally, without privilege or legal justification, billed the insurance providers for services Plaintiff rendered to Piedmont Henry Hospital and its patients over the last two years, falsely claiming that its physicians, rather than Plaintiff's cardiologists, provided said services.

33.

Defendant's actions have interfered with Plaintiff's business relationships with Piedmont Henry Hospital and its patients' insurance providers, causing the latter to discontinue payments to Plaintiff for services related to reading the hospital's electrocardiograms.

34.

Plaintiff has incurred financial injury as a result of Defendant's actions, having provided over \$50,000.00 in services to Piedmont Henry Hospital and its patients for which it has not been paid.

35.

Defendant having directly and proximately caused said injury, it is now liable to Plaintiff for same, in an amount to be determined at trial.

**COUNT THREE: PUNITIVE DAMAGES**

36.

Plaintiff realleges and incorporates by reference Paragraphs 1 through 35 of the Complaint as if they were fully restated verbatim herein.

37.

Defendant willfully, fraudulently, and with that entire want of care which would raise the presumption of conscious indifference to the consequences billed insurance companies for services that it knew it did not perform.

38.

Defendant then accepted and retained payment for said services, knowing that it was not legally entitled to same and that the party who did perform the services would not be paid due its fraudulent actions.

39.

Punitive damages are warranted in this case to penalize Defendant for its egregious behavior and to deter it from billing patients and insurance companies for services it did not perform in the future.

40.

Plaintiff is therefore entitled to punitive damages from Defendant pursuant to O.C.G.A. § 51-12-5.1, in an amount to be determined at trial.

**COUNT FOUR: ATTORNEY'S FEES AND COURT COSTS**

41.

Plaintiff realleges and incorporates by reference Paragraphs 1 through 40 of the Complaint as if they were fully restated verbatim herein.

42.

Defendant has acted in bad faith, been stubbornly litigious, and caused Plaintiff unnecessary trouble and expense.

43.

As such, Plaintiff is entitled to attorney's fees and costs of court from Defendant, in an amount to be determined at trial.

WHEREFORE, Plaintiff prays:

- a) That Defendant be served with the Summons and Complaint as provided by law;
- b) That Plaintiff be awarded actual and such other damages authorized by law;
- c) That Plaintiff be awarded punitive damages;

- d) That Plaintiff be awarded attorney's fees and court costs; and
- e) For such other and further relief as this Court deems just and equitable under all circumstances alleged and contained herein.

Respectfully submitted this 30<sup>th</sup> day of January, 2023.

/s/ J. Mark Brittain

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J. MARK BRITTAIN

Counsel for Plaintiff

Georgia Bar No. 083260

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